

12-22-04

IFW



VPI/00-109 DIV US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Bruck Kifle
Group Art Unit : 1624
Applicant : Bebbington et al.
Serial No. : 10/645,043
Filed : August 21, 2003
For : CARBAMATE CASPASE INHIBITORS AND USES
THEREOF

Cambridge, Massachusetts
December 21, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)

Sir:

VERTEX PHARMACEUTICALS INCORPORATED, a corporation organized and existing under the laws of the Commonwealth of Massachusetts, having an office and place of business at 130 Waverly Street, Cambridge, Massachusetts 02139-4242 ("VERTEX PHARMACEUTICALS INC."), represents that it is the assignee of record of the entire right, title and interest, by assignment, of the following:

United States patent application Serial No.
10/645,043 (hereinafter "the '043 application"), for

"CARBAMATE CASPASE INHIBITORS AND USES THEREOF", filed on August 21, 2003, which is a division application of Serial No. 09/821,161, filed March 29, 2000 (now United States Patent 6,689,784; hereinafter "the '784 patent").

An assignment of the entire right, title and interest in and to the subject matter of the '784 patent was recorded in the United States Patent and Trademark Office on October 29, 2004 at Reel/Frame 015310/0052.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., hereby disclaims the terminal portion of any patent granted on the '043 application which would extend beyond the expiration date of the '784 patent.

The undersigned, on behalf of VERTEX PHARMACEUTICALS INC., agrees that any patent so granted on the '043 application shall be enforceable only for and during such period as the legal title to said patent shall be the same as the legal title to the '784 patent, this agreement to run with any patent granted on the '043 application and to be binding upon the grantee of the patent and its successors and assigns.

The undersigned does not disclaim any terminal portion of any patent granted on the '043 application prior to the full statutory term of the '784 patent, in the event that the '784 patent subsequently (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), (e) has all claims canceled by a

reexamination certificate, or (f) is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

The undersigned hereby states and certifies that:

1. The undersigned is an agent of record in the above-identified patent application and is authorized to act on behalf of assignee corporation in connection with said application; and

2. The above-identified assignment document has been reviewed and, to the best of the undersigned's and assignee's knowledge and belief, title to the '784 patent and to the '043 application is in assignee.

Respectfully submitted,



Michael C. Badia
Reg. No. 51,424
Agent for Applicants

Vertex Pharmaceuticals Incorporated
130 Waverly Street
Cambridge, MA 02139-4242
Tel.: (617) 444-6467
Fax.: (617) 444-6483